

Message Text

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14

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FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 4266

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AMCONSUL HONG KONG

AMEMBASSY CANBERRA

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E.O. 11652: N/A

TAGS: SNAR, TH, HK, AU

SUBJ: STIFF SENTENCES FOR DRUG OFFENDERS

REF: A) BANGKOK 15635, B) BANGKOK 19492

1. THAI COURTS SENTENCED THREE MEN TO STIFF SENTENCES FOR DRUG TRAFFICKING ON OCTOBER 4. CHAIYUT THONDUTSADI (CHINESE NAME HENG SONG HAI), A THAI CITIZEN, WAS SENTENCED TO LIFE IMPRISONMENT FOR SMUGGLING 6.4 KILOGRAMS OF #3 HEROIN INTO THAILAND FROM MALAYSIA IN SEPTEMBER 1975. AUSTRALIAN BRIAN W. WARD, WHO WAS ARRESTED AT DON MUANG AIRPORT IN POSSESSION OF 950 GRAMS OF #4 HEROIN IN MAY (REF A) WAS SENTENCED TO 33 YEARS AND 4 MONTHS IN JAIL. THE COURT REDUCED THE TERM BY HALF (16 YEARS 8 MONTHS) AFTER WARD CONFESSED HIS GUILT. HONG KONG CHINESE WONG CHOI MUNG, ARRESTED IN JULY WITH THREE KILOGRAMS OF #3 HEROIN, (REF B) WAS SENTENCED TO 30 YEARS (REDUCED TO 15 YEARS AFTER HE CONFESSED).

2. THE MAXIMUM PENALTY IN DRUG CASES IS DEATH, BUT THAI COURTS RARELY IF EVER IMPOSE IT, AND BECAUSE OF IT ARE VERY STRICT IN THEIR INTERPRETATION OF THE LAW AND CONSIDERATION OF EVIDENCE. WHEN STRONG CASES ARE PRESENTED BY THAI PROSECUTORS, HOWEVER, THEY ARE NOT RELUCTANT TO GET TOUGH WITH OFFENDERS. THERE IS NO LIMITED OFFICIAL USE

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PAROLE SYSTEM IN THAILAND AS THERE IS IN THE U.S. AND ROYAL

AMNESTIES AND PARDONS ARE NOT EXTENDED TO DRUG OFFENDERS. BY U.S. STANDARDS THE ABOVE SENTENCES ARE VERY HEAVY, ESPECIALLY THAT GIVEN TO CHAIYUT. THE WEAK LINK IN THE SYSTEM CONTINUES TO BE THE TROUBLE PLAGUED PUBLIC PROSECUTORS OFFICE, WHICH IS PRONE TO DROP CASES UNDER PRESSURE OR FOR MONETARY CONSIDERATION. IN SOME CASES, OF COURSE, THE EVIDENCE IS NOT SOLID ENOUGH TO SUPPORT A SUCCESSFUL PROSECUTION IN OPEN COURT, AND NOTORIOUS NARCOTICS TRAFFICKERS HAVE "BEATEN THE RAP" IN THIS WAY.

3. IT IS THE EMBASSY'S IMPRESSION THAT BECAUSE OFFENDERS MUST SERVE THEIR FULL TERM, THE ABOVE SENTENCES ARE CONSIDERABLY STIFFER THAN SENTENCES CURRENTLY BEING HANDED DOWN BY U.S. COURTS IN SIMILAR TRIALS. IF AVAILABLE, WE WOULD APPRECIATE STATISTICS ON CONVICTION RATES AND AVERAGE TIME SERVED OF HARD DRUG OFFENDERS IN THE U.S.
BURKE

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